

FILED

JUL 25 2013

Clerk, U.S. District Court
District Of Montana
Helena

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION

UNITED STATES OF AMERICA,

Plaintiff/Respondent,

Cause No. CR 05-39-GF-SEH
CV 13-61-GF-SEH

vs.

ALFRED FRANCIS CHARETTE,

Defendant/Movant.

ORDER DISMISSING MOTION
AND DENYING CERTIFICATE
OF APPEALABILITY


On July 25, 2013, Defendant/Movant Charette filed still more documents seeking relief from his conviction.

Charette has been informed time and time again that this Court lacks jurisdiction even to consider a second challenge to the same conviction he has already challenged. *Burton v. Stewart*, 549 U.S. 147, 149 (2007) (per curiam). He must demonstrate his purported "actual innocence" to the Ninth Circuit Court of Appeals, not to this Court. 28 U.S.C. § 2255(h), 2244(b)(2). This Court is without jurisdiction to act.

ORDERED:

Charette's new documents (doc. 154) are RECHARACTERIZED and DISMISSED for lack of jurisdiction as an uncertified successive motion. A certificate of appealability is DENIED. The Clerk of Court shall enter, by separate document, a judgment of dismissal in the civil case. *See* Orders (docs. 135, 137, 140, 145, 149, 151, 153).

DATED this 25th day of July, 2013.



Sam E. Haddon
United States District Judge